

Senate Government Operations Committee 1

Amendment No. 1 to SB1232

**Bell
Signature of Sponsor**

AMEND Senate Bill No. 1232

House Bill No. 1066*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-221-901, is amended by deleting the language "Water Environmental Health Act" and by substituting instead the language "Water and Wastewater Operator Certification Act."

SECTION 2. Tennessee Code Annotated, Section 68-221-904(c), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) The commissioner has the duty and authority to levy civil penalties authorized in subdivision (1), the duty and authority to issue orders requiring compliance with this part, and to hold show cause meetings with the persons or entities to whom the orders are proposed to be issued.

SECTION 3. Tennessee Code Annotated, Section 68-221-905, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Such board shall be composed of the following members, appointed by the governor:

(1) One (1) member shall be a certified operator of a water or wastewater system who holds a certificate of the highest class issued by the board who may be appointed from a list of qualified persons submitted by the Tennessee Water and Wastewater Association to determine a qualified person for this post;

(2) One (1) member shall be a certified operator of a water or wastewater utility district who may be appointed from a list of qualified persons submitted by the Tennessee Association of Utility Districts;

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(3) One (1) member shall be a person knowledgeable about water or wastewater systems with experience working for such systems who may be appointed from a list of qualified persons submitted by the Tennessee Municipal League;

(4) One member shall be a faculty member of a college, university or state technical institute whose major field is related to water or wastewater systems, who may be appointed from a list of qualified persons submitted by the Tennessee Society of Professional Engineers; and

(5) The commissioner or such qualified member of the commissioner's staff as the commissioner may designate.

SECTION 4. Tennessee Code Annotated, Section 68-221-905, is amended by deleting the language "water management" wherever it appears and by substituting instead the language "water resources".

SECTION 5. Tennessee Code Annotated, Section 68-221-906 is amended by deleting the language "revocations,".

SECTION 6. Tennessee Code Annotated, Section 68-221-911(a), is amended by deleting the language "commissioner, in accordance with the rules and regulations of the".

SECTION 7. Tennessee Code Annotated, Section 68-221-911 is amended by deleting subsections (b) and (c) in their entirety and by substituting instead the following:

(b) When the commissioner believes an operator has engaged in any of the activities set forth in subsection (a), the commissioner may issue an order suspending

the operator's certificate until the board conducts a hearing on the revocation of the operator's certificate for such activities. When the commissioner has issued a suspension order, the board shall conduct its revocation hearing and render its decision within ninety (90) days of the operator's suspension. In the event the board does not render its decision within ninety (90) days of the operator's suspension, the suspension order shall expire and no longer be in force or effect. However, the commissioner may reissue an order of suspension for a period not to exceed ninety (90) days.

(c) When the board determines an operator's certificate should be revoked under subsection (a), the board shall establish the timing, terms and conditions for any reinstatement of the operator's certificate.

SECTION 8. Tennessee Code Annotated, Section 68-221-914, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Any party to a hearing before the board regarding a revocation or an appeal of an order or assessment of a civil penalty by the commissioner may appeal the final order of the board to the chancery court of Davidson County.

SECTION 9. This act shall take effect on July 1, 2013, the public welfare requiring it, and the provisions of Section 3 shall apply to all appointments to the board made on or after that date.